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REPORT

Public Inquiries Act

Commission of Inquiry
on
Regional Administrative School Unit 3

May, 1987

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

R E P O R T

PUBLIC INQUIRIES ACT

COMMISSION OF INQUIRY

ON

REGIONAL ADMINISTRATIVE SCHOOL UNIT NO. 3

May, 1987

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INTRODUCTION

This Inquiry was established by Order-in-Council under the Public Inquiries Act on March 5, 1987 to report on concerns relating to Regional Administrative Unit No. 3. The Honourable Mr. Justice Kenneth R. MacDonald of the Prince Edward Island Supreme Court was appointed to conduct the Inquiry. A preliminary investigation Report was prepared by the Commission staff and subsequently accepted by the parties to the Inquiry. On the basis of that Report, the Commissioner recommended that the Inquiry should not proceed to the public hearings phase. On May 21, 1987, the Lieutenant Governor-in-Council received and noted the Report of the Commission and the Inquiry was terminated.

Certified to be a true copy of an Order of His Honour the Administrator in Council at its meeting of 3 March 1987.

Executive Council
Prince Edward Island

No. EC93/87

MAR 17 1987

PUBLIC INQUIRIES ACT
COMMISSION OF INQUIRY
REGARDING
REGIONAL ADMINISTRATIVE UNIT NO. 3
COMMISSION ESTABLISHED
AND
APPOINTMENT OF COMMISSIONER

Pursuant to the Public Inquiries Act R.S.P.E.I. 1974, Cap. P-30, Council ordered that a Commission of Inquiry be established to inquire into the present concerns regarding Regional Administrative Unit No. 3, and, appointed Mr. Justice Kenneth R. MacDonald of the Supreme Court of Prince Edward Island to be the Commissioner for the aforesaid Commission.

Douglas B. Boylan
Clerk of the Executive Council

Certified to be a true copy of an Order of His Honour the Lieutenant Governor in Council at its meeting of 5 March 1987.

Executive Council
Prince Edward Island

No. EC94/87

PUBLIC INQUIRIES ACT
COMMISSION OF INQUIRY
ON
REGIONAL ADMINISTRATIVE UNIT NO. 3
TERMS OF REFERENCE AND AUTHORITIES ASSIGNED

WHEREAS it has become apparent that there are certain concerns pertaining to the effective operation of the Board of Trustees of Regional Administrative Unit No. 3;

AND WHEREAS the Administrator in Council, by Order No. EC93/87, established a Commission, and appointed Mr. Justice Kenneth R. MacDonald of the Supreme Court of Prince Edward Island to make an inquiry into the present concerns regarding Regional Administrative Unit No. 3;

THEREFORE, Council directed the Commission (as appointed by Order of the Administrator in Council No. EC93/87 of 3 March 1987), without limiting the generality of the scope of his mandate, to inquire into and report upon,

a) the circumstances leading to the erosion of effective relationships among the parties in the education process in Regional Administrative Unit No. 3;

b) how the aforesaid effective relationships may be re-established; and,

c) ways in which the respective responsibilities and roles of all parties in the education process may be better defined in order to reduce the possibility of similar circumstances arising in future.

Further, the Commission is authorized:

a) to adopt such procedures and methods for all purposes of the Inquiry as he may from time to time deem expedient for the proper conduct of the Inquiry such to include full opportunity to all parties to present evidence and make recommendations;

b) to seek and expect the assistance of such officers and employees of the departments and agencies of the Government of Prince Edward Island in any way he may require for the conduct of the Inquiry;

c) to exercise all the powers conferred on him by the Public Inquiries Act R.S.P.E.I. 1974, Cap. P-30; and,

d) to engage the services of such staff and technical advisers, accountants and other experts, clerks, reporters and assistants, including counsel, as he may deem necessary or advisable to aid him in the conduct of the Inquiry.

Douglas B. Clayton
Clerk of the Executive Council

COMMISSION OF INQUIRY
ON
REGIONAL ADMINISTRATIVE UNIT NO 3

[illegible]
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May 15, 1987

The Clerk
Executive Council
Provincial Building
P. O. Box 2000
Charlottetown, P.E.I.
C1A 7N8

Dear Sir:

On March 5, 1987, I was appointed Commissioner under the Public Inquiries Act to make an inquiry into "the present concerns regarding Regional Administrative Unit No. 3".

Subsequently, Mr. Kent Brown, Q.C. and Howard Jamieson were added to the staff of the Commission. One of the first tasks that was necessary was to determine who would be affected by the Inquiry and who might be interested in appearing and taking part in the Inquiry. Only Dr. Parnell Garland, Regional Unit No. 3, and the P.E.I. Teachers Federation indicated a direct interest. However, it was felt that the two senior administrators of Regional Administrative Unit No. 3, Dr. Brian McMillan and Mr. Eric Ellsworth, should participate to some degree and they were constantly kept aware of the proceedings.

After the preliminary work of the Commission was completed, it was decided that Mr. Brown should commence interviewing those prospective witnesses who might be later called during the hearing stage of the Inquiry. Mr. Jamieson assisted Mr. Brown in these interviews.

As the interviews progressed, I was informed that the problems were not as great as they originally appeared, and that the parties would consider resolving the concerns that had arisen by means other than a public Inquiry.

. . ./2

Mr. Brown and Mr. Jamieson then undertook to draft a statement of facts, adding some of their own conclusions, which was given to the parties for their comments. After hearing back from the parties, a second draft was prepared, and after some further amendments, was agreed upon by all concerned.

Consequently, I am pleased to enclose the statement agreed to by all parties, which, in my opinion, resolves the major question directed to me in the Terms of Reference, that is, "to inquire into and report upon the circumstances leading to the erosion of effective relationships among the parties in the education process...". The answer to the latter question is in effect an answer to the general question of "to make an inquiry into the present concerns...".

The statement also indicates how the parties have commenced to re-establish effective relationships and that the responsibilities and roles of the parties can be better determined in another forum.

While I did not have the benefit of hearing what the various witnesses had to say, I did have access to all of the other information that is listed at pages two and three of the statement. From this information I can personally state that I am in agreement with it.

The parties who have signed the statement have consented that I request the Lieutenant Governor-in-Council to accept the statement and cancel the Inquiry. I hereby make the latter request as, in my opinion, this resolution of the matter is in the best interest of all the parties and the general public.

Yours truly,

Kenneth R. MacDonald,
Commissioner

KRM/cl

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

UNIT 3 SCHOOL BOARD PUBLIC INQUIRY

STAFF REPORT TO THE COMMISSIONER

THE HONOURABLE MR. JUSTICE K. R. MACDONALD

PREPARED

May 13, 1987

SUBMITTED BY:

Howard C. Jamieson
Technical advisor

W. Kent Brown, Q.C.
Commission Counsel

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INTRODUCTION

The Inquiry Order

The Commission of Inquiry was commenced by Order-in-Council No. EC93/87 on March 5, 1987. A small staff was assembled, consisting of a lawyer, a technical advisor and secretary. The Commission moved into office space at Harbourside on March 30, 1987. The staff began a full-time study into the background of the issues in preparation for the public phase of the Inquiry.

Terms of Reference

Under the terms of the Order-in-Council, the Inquiry was directed to inquire into and report on:

(a) the circumstances leading to the erosion of effective relationships among the parties in the education process in Regional Administrative Unit No. 3;
(b) how the aforesaid effective relationships may be re-established; and
(c) ways in which the respective responsibilities and roles of all parties in the education process may be better defined in order to reduce the possibility of similar circumstances arising in future.

The Parties

The staff began their investigation by gathering background correspondence and documents from the parties who either came

forward or who appeared to the Commission to have an interest in the proceedings. Those who came forward included the Unit 3 Board, the P.E.I. Teachers Federation and Dr. Parnell Garland. Each of these parties were represented by legal counsel.

Witnesses

The Commission staff undertook an extensive schedule of interviews with selected witnesses. These included: some present and past Unit 3 Board members, the present and three previous Board chairmen, some Unit 3 principals, some Unit 3 teachers, a delegation of representatives from P.E.I. Home and School, a delegation from the P.E.I. School Trustees Association, the chairman of the Clark Committee, the present Superintendent of Business, the present Superintendent for Programs, Dr. Parnell Garland, Dr. Gerald Hopkirk and other persons. The interviews with most of these witnesses were about two hours in length. The sessions took place privately at the Commission offices. The setting was informal. No signed statements were requested or received.

Legislation and Documentary Materials

In addition to interviewing witnesses, the Commission staff gathered and studied a great deal of documentary material including the following: The School Act and Regulations, related legislation, the Unit 3 Board Policy Manual, P.E.I. School Trustees Informational Brochure, Unit 3 Board Minutes - public

and in-camera back to 1983, tape recordings of Board meetings, correspondence to and from all parties, press clipping files, academic papers by Drs. Garland and Hopkirk on school administration and Board relations, the 1983 Werker Report on Board operations, the Clark Report 1987, and the complete Minutes of the hearings by the Clark Committee. In addition, standard legal texts, articles, reports and decided cases in the area of administrative law and public inquiries were consulted and studied. Out-of-province experts with experience in the field of inquiry procedure were also consulted.

Summary of Initial Impressions

The Commission staff has now reached a point in their work and discussions with the parties where they feel it would be useful to make a report to the Commissioner outlining their early perception of the issues.

To summarize our impressions, the investigation to date suggests that an adversarial inquiry would not assist the parties in resuming effective relationships within the educational process. The concerns appear to have arisen when the Board did not account to the public as the situation escalated from an employer-employee dispute to become an issue of general public concern. Apart from the communications problem, we did not

identify any higher incidence of controversial incidents than would be anticipated for a Unit of this size.

The Clark Committee has already examined some of the issues which eventually led to this Inquiry. The work of that Committee ended with the presentation of its Report on February 18, 1987. The Commission staff studied the evidence taken by the Clark Committee and then re-examined some areas in more depth. The evidence we gathered on our own did not differ significantly from the testimony given before the Clark Committee. However, for reasons we will explain later, we differ from the Clark Committee in regard to the weight of some of the evidence.

THE NATURE OF THE INQUIRY QUESTIONS

The Procedural Format

In undertaking the Inquiry process, the initial task of the Commission was to establish a suitable procedural format for the public hearings. There are no established rules or formats set out in legislation. A process for each Inquiry has to be developed to suit the questions that are to be inquired into. The format must facilitate the flow of information to the public and at the same time show sensitivity to personal rights of privacy and reputation.

Would Adversarial Procedure be Appropriate

After looking at the nature of the questions and considering our preliminary findings, we began to conclude that the best format would be one that would resolve the issues without public hearings. Our concern was that public hearings tend to become adversarial. We questioned whether the full use of public inquiry powers to compel testimony and allow cross-examination would be necessary. This did not seem to be the type of situation where credibility would likely be in issue. Where credibility is in issue, cross-examination of a witness under oath is generally regarded as an essential procedure for discovering the truth. In this case most of the persons who would be called as witnesses on the Inquiry would have already been examined by the nine member Clark Committee. Others have been questioned by Commission staff. There was no suggestion of evasive or untruthful responses in either case. We also considered that witnesses would naturally be intimidated by the adversarial setting of a public hearing. Television cameras and recording devices would be present. Witnesses in that environment would presumably be less candid than in the settings where they have already informally testified. The experience of testifying publicly would, in some cases, cause personal stress that might in itself have a tendency to further erode the effectiveness of working relationships within the Unit.

The Question of Role Definitions

In our search for a suitable format, we also bear in mind that the Commission is directed to make recommendations in relation to the existing role definitions within the system. We questioned whether public hearings would assist in developing such recommendations. Our preliminary impression from looking at the present system is that the roles of the parties are still evolving. Nevertheless, changes do not usually occur abruptly. There is a process in place to develop and encourage change through a consultative process. The basic framework tends to remain the same. In general, it appears that roles are sufficiently defined at present. The difficulty lies in the interpretation and application of the definitions in day-to-day situations. There are also indications of an increasing number of grey areas in which it is difficult to say where policy development begins to overlap administration and vice-versa. This appears to be a national phenomenon. In practise those matters can only be worked out through mutual trust and respect, and, where necessary, through policy revision. There are already explicit policy guidelines in the Board's policy manual for encouraging the formation of trust in working relationships. It would, therefore, seem impractical to continue the Inquiry for the single purpose of improving role definitions. There are more practical ways of gathering that type of information.

Possible Alternative Procedures

As well as looking for evidence, we discussed solutions with those persons we interviewed. From these discussions it appears the parties directly involved in the controversy would prefer to resolve the remaining issues without resorting to a public Inquiry. We must recognize, however, that the public interest may override the individual preferences of the parties in that regard. To address that point we feel that if the parties were to publicly agree that they are willing to resolve their difficulties, the general public would be satisfied. The interests already represented before the Inquiry are so diverse that there could be little room for suggesting that the parties got together and whitewashed the proceedings to protect their own interests. In a sense, each party to the Inquiry represents the public. Individually they have children or relatives who are dependent on the effective operation of Unit 3.

The public, however, must have information about how these issues arose. As an alternative to public hearings, we suggest that information could be conveyed by an agreed summary of events.

With this objective in mind, Commission staff has prepared this summary. The summary could be submitted to the parties for their signature to indicate a consensus or agreement.

OVERVIEW OF EVENTS LEADING TO INQUIRY

September 9, 1986 - Superintendent Resigns

The concerns underlying the Inquiry emerged as a public issue when Dr. Parnell Garland announced his resignation as Superintendent of Education for Unit 3 School Board. His resignation was announced in a letter to the Board, dated September 9, 1986. The letter was not made public at the time, nor was any immediate reason for the resignation given to the public. The resignation was to take effect on December 31, 1986. In the meantime, Dr. Garland was to continue in his position until an interim appointment by the Board.

The Superintendent is the chief executive officer of the Board. As such he is the senior staff person for the Unit. His role includes supervisory responsibility for all principals, teachers and non-instructional staff. Dr. Garland had served in that position since 1976.

In his letter to the Board Dr. Garland stated his reasons for resigning were "...substantial matters of principle related to the governance and administration of Regional School Unit 3". The letter did not elaborate on the principles or the substantial matters referred to.

September 16 - Media Reports "For Personal Reasons"

The letter of resignation was not published. Dr. Garland states

his initial intention was not to make any public comment about his resignation. However, when the media reported that his resignation was for personal reasons, he felt compelled to correct the statement attributed to the chairman. Official silence surrounding the resignation immediately sparked public curiosity. The chairman of the Board was pressed by the media for an explanation as to why the Superintendent had resigned. In the September 16, 1986 issue of The Guardian under the heading "Garland To Resign", the chairman of the Board was quoted as saying, "Dr. Garland cited personal reasons for leaving the position".

On September 17, Dr. Garland informed the Board that after seeking legal advice he had issued a press statement to counter the chairman's quoted explanation of "personal reasons" for his resignation. The statement read:

> In my letter of resignation dated September 9, 1986, I made no reference to personal reasons as being the cause of my resignation. In that letter I stated: "As you know, this resignation is based on substantial matters of principle related to the governance and administration of Regional School Unit 3".
>
> I feel compelled to correct the statement of Mrs. Macnutt because the use of the words "personal reasons" is capable of many interpretations, some of which are undesirable and might have a detrimental effect on my professional standing.

September 17 - Board Staff and Principals Express Concern

In other developments on September 17, 20 members of the Board office staff presented a signed statement to the Board urging the Board to clarify the situation. The staff wanted reassurance that the resignation did not signal a radical change in the Board's philosophy and direction. Specifically, the Brief requested reassurance that the Board was prepared to trust and respect the established working relationship with its staff.

It was also on September 17 that the Unit principals presented a similar Brief to the full Board. Their Brief questioned whether the resignation indicated that the Board did not agree with the system of school operation that had been developed under Dr. Garland. The principals' Brief also emphasized the need for the Board to satisfy all concerned that Dr. Garland had been given a fair hearing in the dispute which apparently led to his resignation. Their concern was that if the Board did not deal fairly with its senior official, an image of unfairness and mistrust would spread to other working groups throughout the Unit. Twenty-three principals, including the person who was subsequently appointed interim superintendent, signed the Brief.

It was also on September 17 that the Board received the legal advice that has since been cited as the basis for its "no comment position" on the resignation. The relevant Board Minutes state:

> The Chairman reported that, following the Superintendent's mention of his legal advice, the Board's solicitor had been brought into the picture. The advice was emphatic that the confidential nature of an employer-employee relationship should not be jeopardized: the Board must not be drawn into publicly discussing events and opinions connected with a personnel problem. Trustees now endorsed this guiding principle. It was observed that -- difficult though it was to be unable to explain things -- the fact that the Superintendent chose to resign suggests that the Board is not obliged to justify its actions as if this were a dismissal.
>
> The conclusions were:
> - Gestures toward reconciliation did not realistically appear productive
> - Legal counsel should now be continually involved
> - There should be strong attempts to have Chairman and Superintendent make a joint statement aimed at cutting off destructive rumour and encouraging as positive a transition as possible
> - The Board should recognize the legitimate concerns of Unit staff and public, and be willing to receive expressions of them in a non-defensive way; it has to be made clear, however, that

> there cannot be explanation of reasons and events that are private because of personnel principles.

September 19 - Media Reports Public Concern Growing

In a story on September 19, 1986 under the headline "Department Not Studying Resignation", The Guardian reported the first signs of a smouldering controversy. The article referred to Dr. Garland's press release and stated:

> Speculation surrounding Dr. Garland's resignation surfaced after Dr. Garland issued a statement Wednesday disagreeing with board chairman Barbara Macnutt's statement that he was resigning for personal reasons. Dr. Garland said his resignation was based on "substantial matters of principle related to the governance and administration of regional school Unit 3".

It was only a matter of days before the controversy became front page news. The Guardian headline on September 23, 1986 read: "Interference From Some Trustees Prompts Dr. Garland's Resignation". The report stated:

> Board chairman Barbara Macnutt said last week Dr. Garland was resigning as of December for personal reasons.
>
> But questions surfaced when Dr. Garland said he was not quitting for personal reasons, but because of "substantial

> matters of principle related to governance and administration of Regional School Unit 3".
>
> Despite Dr. Garland's contradiction, board chairman Barbara Macnutt has since refused comment.

Seven days later the media reported signs of controversy within the Board itself. A prepared statement from trustee, Anna Duffy, was quoted at length. The statement was critical of the Board's operation over the past year and quoted her as saying that Dr. Garland had not been dealt with fairly in the process which precipitated his resignation.

As the controversy was taking shape in the press during the latter weeks of September, the Board made no public move to correct the impression attributed to it that Dr. Garland had resigned for personal reasons. However, in a behind the scenes effort the Board discussed a proposed joint statement for release by itself and Dr. Garland. The statement was drafted by the Board but never released because the content was not acceptable to Dr. Garland. The Board also held several special in-camera meetings to discuss the continuing developments in the situation.

In the Minutes of the September 22, in-camera, meeting there was further reference to legal advice. The Board's solicitor was apparently present while Mrs. Macnutt repeated to Board office

staff that the Board could not provide information on confidential matters between employer and employee.

October 1 - Board Acknowledges Public Concern

The Board's first public response to the foregoing press reports and staff submissions came on October 1 at the Board's annual meeting. By that time, there was a growing state of concern within the Unit. There were widespread indications that the entire staff of the Unit and the public weren't prepared to accept the Board's reassurance that nothing was wrong.

In a statement on that date, to an audience at Bluefield School, the chairman acknowledged the growing state of public concern. She said:

> We are very aware of the fact that people are worried about the suggestion that something,... that something is seriously wrong in Unit 3. We too, are very concerned that there is doubt and this worry. And concerned also that we cannot clear the air simply by some straightforward explanation.

The Board did not give any new information at that time. The chairman gave more assurances that nothing was wrong and nothing had changed. She stated:

> ...I am truly sorry if Dr. Garland felt he was unable to work with us any longer. But I can make no apologies for anything we have done...

It appears from the common theme of the Briefs and press statements up until that time that the Board and the other parties were not talking about the same issues. The Board appeared to be saying that it could not comment because the resignation was a private matter. The parties who were requesting more information seemed to be saying that even if the resignation might have been private at the outset, the Board had broken that silence by giving reasons that were understood by the media as meaning for "personal reasons". The Superintendent denied that he resigned for personal reasons. The parties who aligned themselves with the Superintendent were prepared to respect his credibility when he said his resignation was for substantial Board related matters. These parties questioned whether the Board had something to hide.

The Board did not publicly explain the nature of the legal advice that precluded it from dealing openly and straightforwardly with the growing controversy. It is doubtful that the Superintendent's resignation could be regarded as a private matter after he made a press statement that invited a public reply from the Board.

October 1 - Over 500 Attend Bluefield Meeting

Returning to October 1, it was at the annual meeting of the Board at Bluefield School that the public show of concern reached its peak. More than 500 members of the public were in attendance.

Traditionally only a handful attended the annual meetings of the Unit. There were also delegations present. Briefs were read by the Area 3 Teachers Association and their parent group, the P.E.I. Teachers Federation.

Area 3 Teachers Present Brief

The Area 3 Brief warned that the resignation and the Board's refusal to comment were spreading concern that was beginning to affect teacher morale at the classroom level. The teachers' Brief questioned whether there was an intent on the Board's part to change the operating system of the Unit from the classroom up. Their Brief also expressed concern over the growing perception that Dr. Garland had not been dealt with fairly in his dispute with the Board.

P.E.I. Teachers Federation Brief

The P.E.I. Teachers Federation Brief, presented on the same date, stressed that the Board's failure to deal publicly with the situation was leading to an erosion of confidence throughout the whole system. To demonstrate their point the Brief recited 17 rumors that were said to be rampant in the educational community. The Brief accused the Board of not following its own policies. Incidents were cited to illustrate that point as well. It went on to state that trustees were engaging in teacher bashing, and finally it suggested the Executive of the Board

should resign if rumors were true. The Brief recommended that a Committee be appointed to study the reasons for the whole controversy.

The P.E.I. Teachers Federation Brief attracted extensive media coverage and to this date has remained one of the sore points in resolving the situation. Board members have called the Brief inflammatory and irresponsible. Similar opinions were expressed from the floor of the October 1 annual meeting of the Board.

Public Requests Answers

The large public attendance at the Bluefield meeting was significant. It is recorded in the Board Minutes that 18 members of the public addressed the Board. Most of those who spoke called on the Board to clear the air. While a number of the group had identifiable connections with the parties, they were not all in that category. A past Board chairman and a provincial cabinet minister from the previous government reminded the Board of its obligation to account to the public and dispel the evidently growing concern.

October 8 - Board Replies to Written Briefs

The Board responded publicly to all of these Briefs on October 8. On that date the Board replied in writing to all the parties who had presented written Briefs. The form and content of the

replies were similar. The reply to the principals contained the following statement:

> I cannot discuss why Dr. Garland resigned. We simply must not have it assumed in future that Unit 3 would ever be willing to publicly reveal, let alone speculatively interpret, facts or feelings that are believed to be private because of the nature of personnel relations.

In reply to the Board office staff the statement was:

> The reasons for the resignation cannot be discussed by the Board. It should never come to be said that Unit 3 is a place where people divulge, much less guess out loud about facts or feelings that are understood to be private because of the nature of personnel relations.

The letter to the principals went on to state:

> Without attempting to explain why Dr. Garland made his decision, however, I certainly can report one thing. The Board has a strong and sincere conviction that there has been no injustice done, no departure from policy or philosophy, no factional undermining of corporate integrity, and no action that should jeopardize the conduct of quality education in our classrooms.

In reply to the Area 3 Teachers Association, the Board acknowledged that there was a great deal of concern being expressed by teachers throughout the Unit. The reply emphatically assured that the school board had not changed its philosophy of education. In regard to the actual resignation, the reply stated:

> With regards to the concern expressed about fair treatment, I make the following statement. Apart from the technical provision of policy, the Board has the conviction that there has been recurrent opportunity for discussion, a willingness to listen and person-to-person discussion including a genuine examination of whether reconsideration of the resignation might realistically be possible. Teachers need not feel threatened by the Board's actions. As I stated on Wednesday night, there is no attempt to dismantle anything in place of the Unit. I repeat this with conviction.
>
> You made reference to Dr. Garland's record. Never, at any time has there been a suggestion that Dr. Garland's contribution to the education system in Unit 3 been anything other than constructive and dedicated. Dr. Garland leaves behind a strong, well-established system.

In a three page response to the P.E.I. Teachers Federation the Board chairman wrote:

> The Board assures the P.E.I. Teachers Federation as it has assured all presenting groups and individuals, of our sincere belief that the philosophy of the Board remains adhered to and intact. Perhaps, though, it has been a good thing that you and others have questioned that. It is healthy that we be occasionally prodded into a critical reappraisal of what we stand for and whether our actions reflect our convictions.

All of the letters concluded with an announcement that a special Committee composed of community and Unit 3 staff and professional representatives would be appointed to study the concerns which had arisen.

October 10 - Formation of Clark Committee

A press release announcing the appointment of an Ad Hoc Committee was issued by the Board on October 10, 1986. It read as follows:

> In response to the questions of philosophy of the Board, Board directions, roles and communication issues, it was unanimously supported at a Special Board Meeting to deal with such matters "that the Board establish an ad hoc committee made up of two representatives from each of the following organizations: Unit 3 School Board, Unit 3 Administrative Staff, Provincial Home and School Association, the representatives of whom must be residents of Unit 3, Area 3 Teachers Association and a chairperson from outside (these groups), and preferably well versed in labour relations.
>
> The terms of reference for this committee are:
>
> (a) Study the perceptions of roles of all parties involved so that we can determine where the paths may have parted.
>
> (b) Rebuild a viable communication system that will, with time, cultivate a climate of trust, respect and understanding.
>
> (c) Study the philosophy, direction, goals and objectives of the Unit.
>
> The Board has become aware in the last few days that people have concerns about these areas. The School Board has a strong desire that such matters be put to rest so that all concerned can return to the task at hand - that of providing a high quality of education to the students of the Unit.

Questions Over Powers and Mandate

The Committee appointed Rev. Gary Clark as its chairman and immediately embarked on an ambitious schedule of hearings. Their work, however, did not proceed without controversy. Concern emerged from the Board when it became evident that the Committee intended to focus on the circumstances surrounding Dr. Garland's resignation. Some members of the Board questioned whether this was within the mandate of the Committee. It had been understood by some Board members that the Committee was to stay away from the Garland matter and concentrate on recommendations to improve future working relationships.

There was a further concern as to whether the Committee would have power to name names in its final report, without fear of legal repercussions. There was also some initial reluctance by Board members to appear before the Committee to give evidence. These issues were all ironed out in relatively short order.

Procedure of Clark Committee

In terms of its process, the Clark Committee sat as a group and heard private submissions from individuals. The Board initially attended before the Committee as a group. At a later stage, Board members testified individually. In all, the Committee sat for about 56 hours. Approximately 170 pages of evidence and notes were compiled. The notes were not taken verbatim, but careful efforts were made to assure their accuracy. The

witnesses were asked to confirm that the Minutes were a fair and accurate account of their submissions. However, time did not allow for corrections in every case before the final Report was printed.

The Report of the Clark Committee was presented in a special public meeting at Queen Charlotte School on February 18, 1987. Before turning to the contents of the Report, other intervening events that continued to fuel the controversy should be noted.

December 10 - Second Superintendent Announces Resignation

On December 10, the announcement of Dr. Gerald Hopkirk's resignation was reported in the press. Dr. Hopkirk, a long-time employee of the Unit, had been Superintendent of Administration under Dr. Garland. When Dr. Garland left the Unit, his duties were taken over by Dr. Hopkirk and the two other Superintendents. The Board took a no-comment position on this resignation as well. In covering that story the press reported "neither Dr. Hopkirk nor Unit 3 Board chairman, Barbara Macnutt, would comment on the latest resignation".

In the weeks following, the press continued to carry headlines such as "Unit 3 Resignations Concern Home and School". The story under that particular headline said, in part:

> The resignation of the two Superintendents has generated much concern in the community and speculation about a power struggle within the Board.

Trustee Speaks Out Against the Board

In another press report a trustee, who has since resigned, was said to have publicly criticized the Board. The story concluded with the statement:

> Mrs. Duffy indicated the image of the Board in the eyes of the public has suffered of late because of these resignations and the public silence of the Board on them.

Consulting Firm to Recruit New Superintendent P.E.I.T.F. Protests Hiring Procedure

In yet another development the Board announced that an out-of-province consulting firm had been retained to search for a new Superintendent. The consultant's role was to advertise, and create a short list for the position.

In a press statement explaining why a consultant was hired, the Board chairman said:

> The Board decided in December to hire an outside consulting firm to conduct a search for the position to make sure there was total objectivity in getting the best possible candidate for the position.

The move was publicly criticized by the P.E.I. Teachers Federation on two grounds. One was that the hiring process should have been put on hold pending the Report of the Clark Committee. The second was that teachers had not been consulted about the decision. The Federation also stressed that a

consultant had never been used before for this purpose in this or any other Unit in the Province. Teachers and principals then declined an invitation to meet with the consultant for input on the type of candidate to be sought for the position.

In a further development in the hiring dispute, the P.E.I. Teachers Federation presented the Board with a written suggestion that the interviewing panel for the new Superintendent be made up of parents, teachers, principals and trustees. This request was considered by the full Board and rejected in a closed meeting. The Board stated that the present hiring policy was relatively new and had been worked out after consultation with the Teachers Federation and others in Unit 3. The Board did not see any need to change the policy. The teachers group maintain they were confused by the Board's response. They say it was the Board chairman who had initially suggested putting a teacher on the interview panel to ease teacher concerns over the lack of consultation in the hiring process. When the Teachers Federation formally put the idea to the full Board, they understood it would be promoted by the chairman, however, it was rejected by the Board as being entirely out of hand. The Board chairman disputes the claim that the suggestion was initially hers.

January 22, 1987 - Provincial Trustee Association
<u>Supports Unit 3 Board</u>

On January 22, 1987, the press carried a news release from the Provincial School Trustees Association supporting the Unit 3

Board in its rejection of the Federation's request to place a teacher on the interview panel for the new Superintendent. The Trustee Association stated: "It must be made clear who works for whom here". The P.E.I. Teachers Federation reacted strongly to the latter statement. A headline on January 30, 1987, read: "Master/Servant Comment Angers, Concerns Teachers". In the story under that headline, the President of the P.E.I. Teachers Federation is reported to have said:

> Concerns of teachers are not whether they will determine who is hired as the Unit seeks a new Superintendent but why the original Superintendent resigned in the first place. "It is essential that we find out what went wrong...the issue is to put the brakes on this thing and wait for the Clark report".

February 18 - Clark Committee Releases Report

It appears that the foregoing events and public statements continued to fuel public concern during the time the Clark Committee was at work. The Committee released its Report on February 18, 1987. The Report was immediately endorsed by the P.E.I. Teachers Federation. The Board deferred comment pending a scheduled meeting with the Committee on February 25, 1987.

In a press release issued immediately after the latter meeting, the Board stated:

> There is disappointment that the Report seems biased, in places vindictive. The Board regrets that the Committee was unable to address two of the three terms of reference of its mandate. It emerged in discussion with The Ad Hoc Committee that there are indeed factual weaknesses and misinterpretations. Further the Board is appalled to be informed by the Committee that a part of the Report dealing with his evaluation was cleared with Dr. Garland in its final stages. The Report, the Committee said, was changed before public presentation to the Board. Board members expressed disappointment over this breach of confidentiality by the Committee when trust is featured as such a vital part of the Report.

The statement went on to say that the Board was committed to a fresh start. The good faith content of that press release may have been largely overshadowed by its bitter tone.

The statement had an inflammatory effect. It dampened public expectations that relations were about to improve. The tone of public statements remained less than diplomatic. Press reports indicated that the Minister of Education was under increasing pressure to intervene in the situation.

Minister of Education Responds to Public Concern - Requests Resignation

The Minister's initial response was that the situation was an internal matter confined to Unit 3. She said during press

interviews that a solution would have to be worked out by the Unit and the people who elected the trustees. The legislation did not provide for intervention by government.

On February 27, 1987 the Minister requested the resignation of all trustees in the Unit.

The request became the immediate focus of additional controversy. Only two Board members resigned. Several trustees said publicly the request was unfair because it was made without prior notice. There was no opportunity given for private discussion with the Minister. Most trustees heard news of the request through the media before they received it officially. This upset Board members because they felt they had been communicating with the Minister in good faith up until that time.

The Minister came under further criticism from local and national school trustee organizations. As well there was a growing public debate on whether the Minister's actions were consistent with democratic principles in relation to publicly elected boards.

March 5, 1987 - Public Inquiry Ordered

On March 5, 1987, the Lieutenant Governor-in-Council ordered this Inquiry under the Public Inquiries Act.

THE AREAS OF PRIMARY CONCERN

Perceptions About the Controversy

To complete the overview of the Commission staff's investigation, it is necessary to outline the areas which were examined in more detail. In approaching this phase of the investigation, we were aware that several examples of specific behaviour had been identified in the Clark Report as areas of concern. These related to the effective operation of the Board. We were also aware of many rumors that had been circulating throughout the community. We revisited all of those areas to determine whether the rumors could be substantiated and if they could, whether there was a pattern of behaviour involved.

In discussing these circumstances with individual witnesses, we found that many of them shared a perception that there were patterns of inappropriate behaviour by some Board members. Individual witnesses felt we should have no difficulty in putting such evidence together. However, on closer examination we found that many of these perceptions were based on knowledge of isolated incidents. As our investigation progressed, we kept hearing about the same few incidents from different witnesses. A common response from persons who were interviewed was, "That's all I can tell you but I'm sure someone else can give many more examples".

In talking to witnesses, we sensed that it was the secrecy surrounding Dr. Garland's resignation that allowed these perceptions to survive. We found a strong consensus that Dr. Garland had been highly respected by his staff. His resignation came as a shock to some and a surprise to most. There was a tendency among staff and the public to speculate on the cause of the resignation. Because the resignation was unexpected, an assumption arose that there must have been strong reasons behind it. The tendency was to see those reasons in past events.

The Significance of Isolated Events

When considering problems from the past, we had difficulty in placing each separate incident on a scale of significance. It seemed important to relate the frequency of occurrences to some norm for a Unit of this size. For example, in his own testimony before the Clark Committee Dr. Garland volunteered the observation that in any board-staff relationship one can expect a certain amount of conflict. In relating that to Unit 3 we have to consider that there are 15 Board members, 29 Board staff, 25 school principals, approximately 550 teachers and more than 200 bus drivers, custodians and clerical staff. There were bound to be incidents of a troublesome nature. Consequently, we were looking for evidence that questionable incidents were either increasing in frequency, becoming more serious or emerging in new patterns. For the period prior to Dr. Garland's resignation we found no evidence to establish any of these trends.

Board Direction

As well as looking for incidents, we also looked at attitudes. While there has been a continuing trend towards trustees achieving knowledge and accountability in the management of the Unit, we found no convincing evidence that the Board as a whole is intent on restructuring the system of classroom instruction which has been developed over the past decade. A key feature of that system is that each school in the Unit is allowed some discretion to develop and implement teaching methods that are responsive to the characteristics of the school population. Total uniformity is not imposed for the Unit as a whole. We found educational staff to be generally uneasy about the Board's direction in this area. Likewise, there appears to be individual trustees who feel there should be greater uniformity throughout the Unit. Such differences of opinion are consistent with the democratic structure of the Board.

Staying Within Roles

While there were some examples of trustees apparently straying beyond their traditional roles, most of these could be attributed to judgment calls or a lack of clear policy guidelines. In one example that was frequently cited, a trustee who had interfered at the school level in the implementation of a Family Life Program, had already been called to account and reprimanded by the chairman of the Board. That incident occurred in 1984. It

should have been considered a closed case after it had been dealt with by the full Board. It must also be remembered that the duties of trustees are not capable of precise definition in every case. Sensitivity to the jurisdictional roles of others must be exercised in grey areas. It has been where that sensitivity was apparently lacking that tensions arose causing small incidents to leave lingering suspicion and uneasiness.

Previous Evaluations

In weighing the current significance of past events, we attached a great deal of weight to recorded statements the parties had made about their own working relationship. Shortly before this controversy arose, an entry in the Board Minutes of May 21, 1986 reports that Dr. Garland commented that the Board had been working well over the past year. At the same time the full Board approved Dr. Garland's annual progress report. It is important to note here that the function of progress reports is to record areas of concern, as well as satisfactory performance. Evidence showing a state of mind before the subject matter of litigation arises is given greater weight in the law of evidence than similar statements made after the fact. These statements tend to show that if there were problems in the past they were being viewed in perspective, if not forgotten. It appears that when the current controversy arose people on all sides developed a natural tendency to find new meaning in old events and to

resurrect examples of behaviour which had more or less been condoned in the past.

June 1986 - Trustees Want Entries Made in Superintendent's File

We must emphasize that it was not obvious to us from the outset that past events were not the primary source of the present state of concern. Accordingly, we do not wish to appear critical of those who shared a perception that there was much amiss in the operation of the Unit. It was not until we had interviewed Dr. Garland himself that we shifted our focus away from past problems. It was in June of 1986 that the controversy over Dr. Garland's employment file arose. That controversy led to his resignation.

After finding a lack of significant events in the pre-June 1986 period, we re-examined the question of how the situation got so far out of hand since then. In order to deal with this question, it is necessary to outline the sequence of events leading to Dr. Garland's resignation.

The controversy which led to Dr. Garland's resignation appears to have germinated at an in-camera Board meeting on June 17, 1986. Following the regular public meeting on that date, questions were asked by trustees who were not satisfied with Dr. Garland's performance in reporting back on information that had

been requested on a particular subject. It was agreed that their concerns should be recorded. The executive drafted a formal report which was a procedural requirement for entering the concerns in an employee's file. The written concerns were then placed on the agenda for the next in-camera session, which was July 7, 1986. The Minutes of that meeting read as follows:

> During the in-camera session, the Board approved four items that are to be entered into Dr. Garland's personal record file. The four items dealt with: (1) personnel transactions; (2) French Immersion Study; (3) P.E.I. Mutual Life Scholarships; (4) Eliot River Principalship. The Executive will meet with Dr. Garland to discuss the Board's decision.

We looked at each of these four documents. None of them involved any personal misconduct. They related to dissatisfaction with the manner in which information had been conveyed to the Board and with the way in which the Superintendent carried out some of his normal duties.

None of the trustees we spoke with, nor those who testified before the Clark Committee, felt that the complaints were serious in themselves. A typical response was, "We didn't think they were any big deal". At most, the trustees felt the complaints illustrated recurrent behaviour that was significant to the operation of the Unit. Some felt they were constructive criticism. It was unforeseen on July 7 that the file entries would result in Dr. Garland's resignation.

Why the Concerns Were Written

The questions that have been most frequently asked about these documents is why they were formally drawn up to begin with. Even some Board members asked that question. They wondered why the Board didn't just tell Dr. Garland that it was annoyed by these issues. At the Board Meeting on July 7, 1986, trustees were told that the matter had been brought up with Dr. Garland before and that the present concern illustrated his lack of response. They were also told that the formal complaint route was required by Board policy. A vote by the full Board had to precede any entry in an employee's file.

The Timing of the File Entries

In view of the significance of the file entries in the overall context, it is necessary to consider the timing of the steps which were taken. At least one trustee told us that reservations were voiced at the June 17 meeting about the apparent haste in formally documenting the Board's concerns. The response was to the effect, "Don't worry, nothing is going to happen overnight". The Board members were told that the executive was only being authorized to act on these matters. It seems, however, that further developments did come almost that quickly.

Dr. Garland was told of these complaints following a regular meeting of the executive on July 8. That was the evening before

his vacation was to commence. The executive was previously aware that Dr. Garland was to leave on vacation, however, they were under the impression that he was not to leave until three days later. When he was informed at that time, Dr. Garland was told that the Board had already voted on the matters.

Dr. Garland's Resignation

In describing his own reaction to this process, Dr. Garland said he was flabbergasted. He couldn't see that the individual items were serious enough to warrant the action that had been taken. He immediately wondered what the real message was. His reaction was that the message was something other than what was stated. He felt that this must be the beginning of an effort to build the books against him. Both the timing and the failure of the Board to discuss these matters with him informally prior to any documentation, signalled to him that the Board was no longer prepared to deal on a level of mutual trust. He felt that without that basic relationship, he could no longer be effective in his position.

The timing of these events is a factor which cannot be overemphasized. Several witnesses from instructional and administrative positions in the Unit told us that in the school system the year-end is a very stressful period. Exams,

graduations and year-end statistics have to be done under time constraints. In this same light one may assume that trustees also find themselves somewhat exhausted at that time of year. Possibly this affected their collective mood in allowing the action that was taken. In any event, it affected Dr. Garland's interpretation of the Board's attitude. The Board, on the other hand, points out that it reacted when the situation occurred. They suggest that while there is no good time for bad news, year-end stresses would normally have dissipated somewhat by July 8.

After July 8, there were meetings between Dr. Garland and the Board and also between Dr. Garland and the executive. Throughout those meetings, Dr. Garland's fundamental concern was with the process that had been used against him. He made it clear that if the entries were made in his file or left there, the Board would have his resignation. He tried to explain to the Board that if they had trust and respect for their Superintendent they would allow that person the same fairness and protection as provided by written policy for other employees of the Unit. That policy requires that both positive and negative criticisms be dealt with in a constructive manner. Procedurally that would mean verbal discussion before formal action. In this case Dr. Garland explained to the Board that as well as being procedurally inappropriate, the factual basis of the complaints was

inaccurate. However, he subsequently declined to go any further in discussing the detail of the complaints because he viewed the whole process as being fundamentally wrong from the outset.

It seems that Dr. Garland's response evoked different reactions among the trustees. Some took the legalistic position that they had followed policy and did what the problem required them to do. Their action was neither more nor less than the situation called for. Others, who had doubts before the initial vote in July, felt Dr. Garland's reaction should have been more flexible when he asked the Board to reconsider. They were disappointed that he would not discuss the specific issues involved in the four complaints. They felt he should have been prepared to compromise by at least working out some resolution that would remove the items from his file at a future time when the concerns could be evaluated again. They felt that Dr. Garland was overly defensive in his response. The impasse was not resolved and Dr. Garland's resignation followed on September 9, 1986.

Although the formal documents were drafted by the executive and approved by the Board, we sense that no one member is eager to come forward and take credit for initiating the process. One may surmise that this same reluctance was a factor in the Board's no-comment position when the process ended with Dr. Garland's resignation.

To provide a more comprehensive account of these events, the Minutes of in-camera Board Meetings on August 19, August 25, August 27, September 10 and September 17, 1986 are attached in Appendix "A".

The Substantial Matters of Principle

When we interviewed Dr. Garland on April 10, 1987, one of our key concerns was to clarify what he was referring to when he spoke of resigning over "substantial matters of principle". Dr. Garland confirmed that the events behind that statement were those which occurred in the weeks prior to his resignation. He felt that the initial move to enter complaints in his file without notice, signalled a failure on the Board's part to appreciate the type of relationship that a Superintendent must have with his Board. He said the essential characteristics of an effective working relationship are mutual trust and open communication. The timing in relation to the stress of the year-end and his scheduled vacation showed a lack of sensitivity. He felt that the unilateral action of the Board in documenting these criticisms only weeks after the full Board had given him a positive progress report, indicated that a serious rift had surfaced. His several meetings with the Board following the initial event failed to close that rift. The Board states that in these meetings concerted efforts, short of removing the file entries, were made to resolve the dispute. Dr. Garland, on the other hand, felt the

Board was not hearing him on the fundamental issue. Furthermore, he regarded the principle was too basic to leave any room for compromise. Consequently, he resigned.

Since his resignation, Dr. Garland has consistently stated that he is not interested in coming back. His only concern from the outset has been to have the record left straight on his reasons for resigning. He now feels that the passage of time has made correction of the misleading press reports less important. He says that those who know him are aware of his record.

In view of Dr. Garland's current position, we did not consider it appropriate for the Commission to attempt to identify either the numbers or names of those who had a role in his departure. It is enough that the public be made aware of the circumstances. On the question of numbers, however, we should note that in a six page press statement on March 2, 1987 the chairman, speaking "as an individual trustee" said:

> The first matter that I wish to address is that there is no great split or disarray within the Board itself. Yes, there is one trustee who has made it quite clear that she does not support the Board. The other fourteen trustees are in total support of the Board as a body.
>
> . . . . .
>
> The four items were voted on by the full Board with <u>all</u> trustees voting on placing three of the four matters in

> the file and all trustees less one for the fourth item. It was a Board decision to do this.

Although this statement is accurate, it could be misleading because it does not mention that on August 27 there was a motion to revoke the July 7 decision and start the process over again by discussing the concerns with Dr. Garland. Five Board members voted in favour of that motion and eight against.

Trustee Reaction to Resignation

We should also note that the trustees who spoke to us said they were sorry that Dr. Garland resigned. They felt that maybe he had jumped the gun. They all said the four matters were not enough to resign over. They felt Dr. Garland should have been more conciliatory. In a similar vein, none of the trustees tried to retract from their positive evaluation of Dr. Garland recorded in May of 1986 and other evaluations before that time.

The Board's overall satisfaction with Dr. Garland's work has been referred to consistently since his resignation. In the chairman's reply to the Area 3 Co-ordinator of the P.E.I. Teachers Federation, dated October 8, 1986, she stated:

> You made reference to Dr. Garland's record. Never, at any time has there been a suggestion that Dr. Garland's contribution to the education system in Unit 3 been anything other than

> constructive and dedicated. Dr. Garland leaves behind a strong, well established system.

Before leaving the question of what Dr. Garland meant by his reference to "substantial matters of principle", we should note that our discussion with him included a review of problems from past years. These events were referred to by the Clark Committee as having left scars on working relationships within the Unit. Dr. Garland candidly admits that he did allow himself to re-interpret some of those events in a negative light while struggling over his resignation. However, he now confirms that they were not a major factor in his decision to resign. He states that if they had been, he would have resigned years ago when the Unit went through some major developments in Board-staff relationships.

The Power Struggle

We also asked Dr. Garland to explain his use of the term "power struggle". According to the Board Minutes he had used those words in response to a question at the Bluefield meeting in October, 1986. He explained that in the Bluefield context this was not a reference to problems from the past. It was essentially a reference to the emerging struggle between the Board's "no comment" position, and the demands of the P.E.I. Teachers Federation and the public for an explanation of the resignation.

We noted two other occasions in the Clark Minutes where Dr. Garland was reported to have used the term "power struggle" in reference to the Board. We are satisfied, however, that on those occasions the term was used to describe the internal politics of the Board efforts to place the four items on his file.

Board Reception of Clark Report

Another key area in determining how the situation continued to get out of hand was the Board's reaction to the Clark Report. We have referred above to the press reports issued at the time and to the Board's use of the terms "biased" and "vindictive". Because of the serious impact of those statements, we looked more closely at the meeting where they originated. That meeting was held on February 25, a week following the public presentation of the Clark Report at Queen Charlotte High School. The meeting was set up at the request of the Clark Committee. The purpose was to allow the Committee to interpret the Report to the Board. The meeting was closed to the public. However, as with most Board meetings, it was voice recorded on tape. We have listened to that tape and had portions of it transcribed by our staff.

When the interpretation meeting was set up, the procedural ground rule was that the meeting was to allow the Committee to elaborate on its recommendations. It was clearly stated that the

meeting was not to become a debating session. In retrospect adhering to that rule would have been a formidable task for any chairman in view of the impression of most Board members that the Report was weighted against them.

The transcript shows that there was little effort on the part of the Board chairman to enforce compliance with the no debating rule. Instead of being allowed to interpret the Report, the Clark Committee had to defend it from the outset. Some Board members suggested that the Committee had made some of its findings and recommendations in the absence of any supporting evidence. The meeting proceeded on that tone until all 13 of the Committee's recommendations had been reviewed. The Board chairman then asked the Committee whether anyone had seen a draft of the Report or the final Report before it was presented to the Board. Rev. Clark replied that the Committee had discussed a part of the Report with Dr. Garland.

It is now clear that that answer had been anticipated by some members of the Board two days before the meeting began. On February 23, the Board executive and Committee chairmen had met to work out a likely format for the February 25th meeting. At

the close of that meeting the participants were informed that part of the draft Report may have been discussed with Dr. Garland, and subsequently redrafted. Apparently that suggestion was received at the February 23 meeting with indignant disbelief. A decision was then made to carry on with a co-operative discussion in the meeting scheduled for February 25, and then put the question of a leak directly to Rev. Clark.

That procedure was followed on February 25. In retrospect the indignation that preceded that meeting explains the tone of voice of the questions that subsequently were put to the Committee. Upon hearing Rev. Clark's affirmative reply that a part of the draft Report had been discussed with Dr. Garland, proper decorum in the meeting quickly disappeared.

In essence the meeting became a derisive attack by the Board on its own Committee. One Board member emphatically stated that the Committee and its chairman should be thoroughly ashamed of themselves. The transcript leaves serious doubt about whether the chairman was in control. On the contrary, she led the discussion in which it was alleged that Rev. Clark and his Committee had breached confidentiality by showing part of the draft Report to Dr. Garland.

Rev. Clark readily admitted that an excerpt of the draft Report had been shown to Dr. Garland because the Committee viewed that as a procedural requirement. He also confirmed that as a result of Dr. Garland's response one sentence pertaining to him was changed. The chairman and some members of the Board stated that in their view this change destroyed the credibility of the whole Report. The Clark Committee, however, made strong efforts to reassure the Board that the change did not alter the intent of the Report nor did it affect any of its 13 recommendations which had already been written. The two Board representatives who were on the Clark Committee were fully aware of the procedure that had been used and concurred in the final Report before it was released.

The chairman of the Ad Hoc Committee stated at that meeting that he hoped the Board would not read too much into the fact that the Report had been shown to Dr. Garland and that one sentence had been re-drafted. He went on to state, "If it disturbs the Board, I apologize".

The Confidentiality Issue Re Clark Report

The legalities of the confidentiality issue are not easily ascertainable even in retrospect. While there is a basic rule that a Committee should not disclose its report, or any part of it, to an outside party before reporting back to its originating body, it is arguable that Dr. Garland was not an outside party.

Other rules relating to public inquiries require that before a person is named for misconduct, that person must be given the opportunity to appear and answer to the allegation. This procedure goes so far as to require that the person affected be allowed to re-appear if evidence of misconduct arises through other witnesses after that person has testified. However, that principle may be inapplicable in this case because misconduct may be too strong a concept for the circumstances which were to be published.

Rather than looking for the fine points of the law, it may be more relevant to note that the Board did not establish any guidelines or procedure for its Committee. In the absence of guidelines the Committee was free to establish its own procedure. It may also be relevant to consider that the Committee did not have the powers or immunity that would apply in a court of law. In a sense the Committee was out on a limb trying to perform a voluntary public service. In publicly attacking the Committee, the Board may have momentarily lost sight of the elementary principle that a Committee is strictly a creature of the body that created it.

The Fallout From the Clark Report Meeting

The effect that this meeting had on the non-Board members of the Committee was devastating. It may have renewed doubts over the

Board's emphatic statements about fairness, trust and respect in its dealings with its employees. Regrettably, this episode, together with the Board's press release of February 26 may have dampened any hope at that time for an improvement in working relationships with the Unit.

The Board has since reviewed its initial reception of the Clark Report. At a regular Board meeting on March 18, the Board expressed regret over its initial handling of the Report. The Board has also begun a clause by clause study of the Report's recommendations. Several recommendations have been accepted by the Board to date and will be implemented.

The Legacy of the Clark Report

As we stated above, we have found that the main benefit of the Clark Committee work has been in the evidence that was recorded. Having had the benefit of that evidence, and sufficient time to analyze it, along with our investigation results, we find that we differ on some conclusions. The main area in which we differ is in regard to Dr. Garland's resignation. The Clark Report concludes that the Board's action in placing four items in Dr. Garland's file was "the last straw" leading to his resignation. As we have stated above, this does not square with Dr. Garland's own evidence. He advised us that he resigned primarily because of the impasse he reached with the Board in relation to the file entries. Rather than being a straw, these events, in the mind of

Dr. Garland, were almost the entire load. Earlier "straws" may have led Dr. Garland to resolve that he would have to stand firmly on his principles on this particular issue. The stand that he took and the Board's response constituted the substantial matters of principle that he later referred to after his resignation.

In view of the significance that Dr. Garland attributed to that episode, we have to conclude that the other incidents of Board activity identified in the Clark Report did not weigh as heavily in his resignation as that Report seems to assume.

It appears that the Clark Committee may have faced some obstacles in getting at this evidence. Whether intentionally or otherwise, the Board placed the Clark Committee in a quandry from the outset. When the Committee was announced by the Board Chairman on October 10, she clearly stated that it was being formed in response to the growing concern which had been expressed since the resignation of the Superintendent. The terms of reference directed the Committee to "study the perceptions of roles of all parties involved so that we can determine where the paths may have parted". The Committee was also to study the philosophy and direction of the Unit. The quandry was that the Board attempted to steer the Committee towards an examination of roles, by asking it to assume that confusion over roles was the probable cause for "the parting of the ways". The Committee, however, was not

prepared to proceed on that assumption. It wanted to find out first of all why the Superintendent resigned. The Board wanted the Committee to stay away from an examination of all the details surrounding the Superintendent's resignation. The Board even discussed whether it should refuse to appear before the Committee. They considered suggesting that the two trustees on the Committee were there to speak for the Board. Even after the decision was made to attend, some Board members were hesitant to discuss the details of the resignation. The Board showed a similar attitude when Dr. Garland, who was still employed as Superintendent, asked for direction from the Board concerning his appearance before the Committee. The matter is recorded in the Board Minutes on November 26, 1986 as follows:

> Mrs. Macnutt reported that she had been contacted by Parnell Garland who requested direction from the Board concerning passing information on to The Ad Hoc Committee. The Chairman of the committee requested information from his personal record file. Following discussion, it was agreed that Mrs. Macnutt respond to Dr. Garland and inform him that in accordance with Board policy, no information from his personal record file would be made available. Also in accordance with policy, In-Camera Minutes are only available to Trustees and the Superintendent of Education. Mrs. Macnutt will also advise Dr. Garland that he should not feel compelled to appear before The Ad Hoc Committee. Mrs. Macnutt will suggest that the Chairman of The Ad Hoc Committee review the committee guidelines at their next meeting.

Although the Clark Committee did eventually get into some of the circumstances of the resignation, they were never permitted to fully investigate the matter. As a result the Committee may have been seriously fettered in its efforts to get at the most significant cause of the concern within the Unit.

The Parties and the Media

We must also say a word about controversial statements to the media. We note the concluding observations of the Clark Report concerning the tone of press statements that were made throughout. The Report stated:

> This committee regrets the use of the media in setting up an adversarial stance between the various partners in the education system. The reactions of the P.E.I.T.F. at the Annual Meeting in October is a point in question. The innuendo and rumor included in the statement had effects on the degree of trust in the system. Many of these statements can be substantiated, but it is necessary to fully check the information base before public statements are made. It is necessary for all parties involved to take ownership and carefully consider these findings.

The P.E.I. Teachers Federation endorsed the Report and its recommendations. On that basis, we assume that the point in the Clark Report urging restraint in media relations has been well taken by the P.E.I. Teachers Federation. The same message is there for others as well.

Communication Problems: An Example

In drawing this phase of our Report to a close, we have deliberately refrained throughout from discussing the individual examples of controversial behaviour that were cited to both the Clark Committee and ourselves. As we stated, most of these were isolated with no common connection or pattern.

However, there is one incident that we feel we should comment on because it is a good illustration of how poor communication can lead to controversy. The incident occurred in the fall of 1985. A high school teacher used a hand gun from a classroom stage production to illustrate how storms originating in the Gulf of Mexico take aim at the Atlantic seaboard. The teacher wanted to show how a change of a few degrees in direction would result in a severe storm missing one area and hitting another. The gun was not loaded and the demonstration presented no risk of physical harm to anyone.

Shortly after the incident occurred, the parents of at least two children in the class complained to the principal of the high School. The principal discussed the incident with the teacher involved. The teacher agreed that in view of the concern, a more innocuous pointer should have been used.

In our interview with the principal, he advised us that he had gotten back to the parents and discussed the resolution of the

matter. The parents expressed their satisfaction. From the school point of view, the issue was considered to have been resolved.

The following spring, the incident emerged at a Board meeting. A trustee reported that parents were concerned and had brought complaints to her. The Board did not get into the matter at that point, but requested a report from the Superintendent.

The Superintendent contacted the principal. The principal advised the Superintendent that the matter had been resolved with the parents. At the next Board meeting one of the Superintendents reported his impression that the incident had been looked after. His report was not documented and did not contain sufficient detail to allow the Board to draw objective inferences about the seriousness of the incident or the appropriateness of the corrective action by the school. Dr. Garland was asked to supply further particulars. However, by that time school was out for the year.

When school resumed in September, Dr. Garland went to the school and personally conducted an investigation. His final report was satisfactory to the Board. It should be noted that the timing of that report coincided with his resignation.

The episode has been alluded to in public statements, and has become the focus of the following communication issues:

- Some Board members felt the incident indicates senior administrative staff are not routinely informed about serious incidents occurring in the schools.

- Teachers and principals, being unaware that the first report to the Board was deficient in detail, perceived the request for a second report as interference in school operations that have been delegated to teachers and principals under the policy manual.

- At least one principal assumed that Dr. Garland had been ordered by the Board to conduct the investigation personally, rather than by delegating the task. This was seen as an arrogant attempt by the Board to humiliate Dr. Garland. The impression was that Dr. Garland would never have come out to a school to personally interview students about a complaint if he had not been ordered by the Board to do so. His policy was to entrust such duties to school staff.

- The superintendents may not have been given clear indication about what information had been given to the trustee. In other words, the Superintendent may not have been fully informed as to what the complaint was. Consequently, the Superintendent may have underestimated the requirement for precise information.

- The principal involved was confused because the parents he had spoken to the previous fall had expressed their satisfaction with his resolution of the matter. He wondered

had they changed their mind or were other parents complaining directly to trustees without first trying to resolve their concern at the school level.

- Were trustees acting on parents' complaints at the Board level without first inquiring whether the parent had approached the principal, and if so, what the response was.

- Assuming the trustee was told that the parent had dealt with the principal directly, did that trustee's action in taking the matter directly to the Board indicate either a mistrust of school officials, or a willingness to take an unwritten complaint of a parent in preference to the word of a principal.

To show the proportions that this incident assumed, the Board chairman apparently considered it of sufficient general concern to require elaboration in her press release on March 2 , 1987. She said, in part:

> The trustee became involved when it was brought to our attention that the parties felt the matter has not been properly handled. Trustees do not get involved in the day to day operation of the class but if parents have not been satisfied that their concern has been handled the way they wish, they have every right to go to their trustee representative for assistance. The matter was finally resolved to the parents' satisfaction eight months after it occurred. I ask you, if parents do not have the representatives to turn to for help, where do they go if they hit a dead end street. Fortunately these situations do not happen often but I see it as an example of how the role of the

> trustee is also one of being a conduit between the parent and the system after the normal process has been tried without satisfaction.

This portion of the chairman's statement was resented within the system because it was never factually established or accepted that the normal process had actually been tried without satisfaction. The reference to a dead end street had regrettable implications.

We have heard about this incident from several witnesses during our investigation. The whole episode shows how a lack of trust, coupled with inadequate reporting procedures, can result in an isolated incident being blown out of proportion. To avoid these situations, the parties should first consider their roles and then make sure they communicate adequately. When an incident is perceived to be serious enough to warrant entering the territory of another working unit, consideration should be given to obtaining a written complaint.

To deal with that type of situation, trustees have prescribed this simple advice in the P.E.I. School Trustee brochure which has been in circulation since 1981. Their advice to parents is to:

> Discuss classroom problems with the teacher first. If you don't get satisfaction, then go to the principal. His/her door is always open and very

> few problems exist which cannot be corrected at this point or before. Still, if nothing happens or the problem is spreading, go to the Superintendent. If after all that effort, you still have not been able to resolve your problem, you have the right to appear as a delegation to the Board.
>
> If you have a major concern, take it to the Board. How do you do that?
>
> Put it in writing and address it to the Superintendent or chairman of the school board. If you want to make a presentation with a delegation you request a time on the agenda for a forthcoming monthly board meeting.
>
> It's your school system and you have a right to get answers. But keep something in mind -- you may be wrong, or your child may be. The school will try to see things from your point of view. Give them the same courtesy.

As we have stated above, we looked at several other problems from the pre-June 1986 period, but we did not find any substantial evidence that they precipitated Dr. Garland's resignation. Likewise, we did not find that those events substantiated the negative perceptions that rapidly took root in the secrecy which followed Dr. Garland's resignation.

CONCLUSIONS

The foregoing is an outline of our investigation and findings to date. On the basis of the consistently positive feedback we have been receiving during the investigation, we have discontinued interviewing potential witnesses and have begun to

concentrate our efforts on assisting the parties to resume an appropriate working relationship. We believe that avoiding an adversarial form of inquiry would be in the interest of all parties. Our rationale is that under the framework of the system, all of these parties have to work together. Common sense would suggest that it would be easier for the parties to begin to restore their relationship now, rather than insisting upon an Inquiry first.

There is growing evidence that the parties involved in the controversy are interested in re-establishing effective relationships within the Unit and that they are prepared to take concrete steps in that direction.

During the period of our investigation, we had ongoing meetings with the parties to discuss this matter. During that time a number of steps were taken by the parties that we believe will have a positive effect on relationships. We will briefly outline some of those steps.

The School Board, has publicly addressed the concern that was expressed with respect to the Board's philosophy and direction. It has issued a statement confirming that the statement of philosophy which was adopted in the Board's policy manual on February 18, 1981 "still represents the guiding beliefs of

Regional Administrative Unit 3". The full text of that statement is attached as Appendix "B".

The Board has also considered its February 26, 1987 response to the Clark Committee Report and has stated:

> The Board regrets the manner in which it responded to the Clark Ad Hoc Committee Report in its new release of February 26, 1987, in particular the vocabulary that it used in that news release, which unfortunately proved to be provocative.
>
> The Board emphasizes that its main message on February 26 was, and continues to be, that the Board is committed to taking concrete and positive action on the Ad Hoc Committee recommendations.

The Board had previously addressed the specific recommendations of the Ad Hoc Committee Report at its March, 1987 meeting. The Board's statement on those recommendations is contained in Appendix "C" attached.

The P.E.I. Teachers Federation has responded to concerns expressed that its purpose in the controversy was to undermine and assume the authority of the Regional School Board. Its statement includes the following:

> During the past few months there have been statements made by various people which imply that the ultimate objective of the Teachers' Federation in the Unit #3 controversy is to undermine and assume the authority of the Regional School Board. During discussions held

> by you and Mr. Kent Brown and representatives of the Teachers' Federation this issue received considerable discussion. To ensure there is no uncertainty as to the objectives of the Teachers' Federation I am providing this statement to you.
>
> The Teachers' Federation recognizes and respects the authority which the School Act gives to Regional School Boards, and the efforts of the Teachers' Federation in the current controversy in Regional Administrative Unit #3 are not designed to undermine or gain that authority. The Teachers' Federation has not attempted to "gain control" of the process to hire a Superintendent of Education within the Unit.
>
> The objective of the Teachers' Federation has been to ensure the retention of the model of administration and the educational philosophy which has evolved within Unit #3 during the past ten years. The proposals formally put forward by the Teachers' Federation regarding the hiring process for a Superintendent resulted from and in response to discussions with the Executive of the School Board. The proposal was put forward as an attempt to resolve an immediate problem not as an attempt to gain authority.
>
> The ultimate objective of the Teachers' Federation in this matter has been to represent the concerns of our members within Unit #3 and to seek solutions to the causes of those concerns.

The P.E.I. Teachers Federation also agreed, in the interests of the conciliation process, to ask for an adjournment on its request to the P.E.I. Supreme Court for an injunction to restrain the School Board from proceeding with the selection of a new Superintendent of Education. The Federation has since withdrawn

the court action entirely. In a further development the Federation has also withdrawn its "pink listing" of the new superintendent's position. Under that procedure the Federation had requested its members and those of sister organizations to refrain from applying for the position.

The Minister of Education has acknowledged that her request for the resignation of the Unit 3 trustees may be an impediment to a settlement of this matter. Even though an Inquiry has been ordered, the Minister's request is still on the table. To remove that impediment the Minister has issued the following statement:

> I am pleased to see that the parties involved in the dispute involving Unit 3 have come together to solve the issue and that there now appears to be the possibility of a satisfactory resolution to the issues involved without the necessity of holding public hearings.
>
> My call for the resignation of the members of the Unit 3 School Board is still outstanding. Because that may be an impediment to a speedy and satisfactory settlement of the issues, I am now prepared to withdraw my request for resignations.

In another major development, the School Board has extended the appointment of Mr. Rufus Reid as interim Superintendent of Education for the 1987-88 school year. The P.E.I. Teachers Federation has stated that it is "very pleased with this decision of the Board".

The appointment of a permanent Superintendent of Education was an issue that came into play in the controversy. The positive response of the Federation to the Board's decision is significant.

The P.E.I. School Trustees Association and the P.E.I. Teachers Federation have also held discussions towards resolving tensions that arose between the two groups during the controversy. The President of the P.E.I. School Trustees Association stated in a recent letter to the P.E.I. Teachers Federation President:

> Our Association believes that the Education Leadership Seminar is one of the most productive and successful educational experiences for trustees, teachers and administrators in this province. It is evidence I'm sure, that our respective organizations can work together successfully. We sincerely hope you will see fit to continue in this cooperative venture.
>
> I am pleased to hear that negative feelings toward the P.E.I. School Trustees' Association and elected School Boards do not exist within your provincial organization and that you do support elected School Boards. We believe that we as individuals representing the public and you as professional educators, working together will provide the best quality education.

The parties recognize and accept our finding that it was primarily communication and attitudinal problems that led to this controversy. The many positive steps that the parties have recently taken illustrate their strong commitment to improving working relations within the Unit. While the Inquiry process to date has been time consuming, it has also served to focus the attention of the parties on the fundamental importance of maintaining working conditions that are conducive to high morale.

The renewed commitment of all of the parties to be guided in their relations by the statement of philosophy contained in the Unit 3 manual will be the key to avoiding future difficulties. The cornerstone of that philosophy is that:

> The Board recognizes that its personnel make up the most important part of the system for providing quality education.

On the basis of our discussions with the parties who have seen this Report, we believe they are all prepared to agree that it sets out the circumstances that led to the erosion of effective working relationships in the Unit.

The parties also concur in the opinion that further inquiry hearings would be unnecessary and in fact might jeopardize the positive steps that have already been taken.

We recognize that this Report does not offer any substantial response to the third question in the Inquiry order, which calls for recommendations on role definitions within the system. However, we suggest that public opinion would support the consensus of the parties that the Inquiry should be called off at this stage. On that basis, we respectfully recommend to Your Lordship that you request His Honour, the Lieutenant Governor-in-Council, to terminate this Inquiry.

DATED this 11th day of May, A.D. 1987.

Howard C. Jamieson
Technical Advisor to the Commission

W. Kent Brown, Q.C.
Commission Counsel

APPENDIX "A"

REGIONAL SCHOOL UNIT 3

MINUTES

TWO HUNDRED FIFTY-SEVENTH MEETING

The 257th Meeting of Regional School Unit 3 took place on Tuesday, August 19, 1986. The meeting was held In-Camera. The following trustees were present:

Wanda Wood
Miriam Lank
Garth MacPhee
Ross Lewis
Anna Duffy
Steven Driscoll
Fred Quinn
Rob Thomson
Bob Wilson
Harvey MacLeod
Ethan Garrett
Wendell Mayne
Reid Sangster
Barbara Macnutt - Chairman

The Chairman explained that the purpose of the meeting was to provide the Superintendent of Education, Dr. Garland, the opportunity to explain his concern over the matters expressed by the Board on 8th July, 1986. Dr. Garland explained that he had a number of concerns, particularly that he felt information and facts had been omitted. He also expressed disappointment over the format of the meeting because it was not as he had requested.

Following Dr. Garland's departure, further discussion took place that confirmed the Board's original decision to have the four items placed in Dr. Garland's file. The Board directed the Executive to meet with the Superintendent the following day to confirm the Board's decision and to provide him with the opportunity to hear the Board's responses to his concerns.

SUPERINTENDENT OF EDUCATION

CHAIRMAN

REGIONAL SCHOOL UNIT 3

MINUTES

TWO HUNDRED AND FIFTY-EIGHTH MEETING

A Special In-camera Meeting of the Board was held at the Unit 3 office on Monday, 25 August, 1986.

PRESENT: Reid Sangster
Miriam Lank
Wendell Mayne
Anna Duffy
Wanda Wood
Fred Quinn
Steven Driscoll
Ethan Garrett
Ross Lewis
Bob Wilson
Barbara Macnutt
Garth MacPhee
Rob Thomson
Harvey MacLeod

The Chairman recounted the background chronology: a Special Board Meeting on Tuesday, 19 August to give the hearing opportunity requested by the Superintendent; the regular Executive meeting at noon on the 20th, which was not related to this issue; a meeting Friday morning, August 22nd, of the Executive and Superintendent, with (at Dr. Garland's request) Bob Wilson. The purpose of this present meeting was to report on that meeting and get direction from the full Board.

A detailed outline of the August 22nd meeting was given by the trustee participants, including assertions by Dr. Garland concerning resignation.

There was considerable discussion about whether more talk with Dr. Garland should have occurred at the end of the school year and whether there should be more now.

One conclusion was that, while resorting to written entries into the personal file was regrettable, this had come after previous attempts to convey the same sorts of concern in other ways, and that the intention had been constructive and in accordance with proper Board policy and procedure.

A second conclusion was that options for postponement or non-placement would not be productive. Even so, there was an obligation to listen to an employee's views.

It was moved by Wanda Wood, seconded by Anna Duffy, that Dr. Garland be given another opportunity, if he wanted it, to express his position to the Board before any action be taken to place the entries into his file. The suggestion was that this could happen following the regular agenda of the August 27th regular Board Meeting. Motion carried.

Contingencies were considered in case of managerial disruption. Two motions were put, but then withdrawn. It was then moved by Ross Lewis, seconded by Reid Sangster, that, in the event of a sudden resignation threatening disruption, the resignation would be recognized and the Superintendent of Administration would be asked to assume Superintendent of Education responsibilities temporarily until such time as the Board met again. Carried.

Meeting adjourned.

SUPERINTENDENT OF EDUCATION

Barbara Macnutt
CHAIRMAN

REGIONAL SCHOOL UNIT 3

MINUTES

TWO HUNDRED AND FIFTY-NINTH MEETING - CONTINUATION

27 August 1986

The meeting reconvened in a special in-camera session following adjournment of the public and regular in-camera elements, with only trustees and the Superintendent present. The purpose was to allow Dr. Garland the opportunity again to express to the full Board his views on the statements prepared for entry into his official personal file.

Dr. Garland made points including the importance of always discussing criticisms, the timing relative to his yearly progress report and his vacation, lack of opportunity to be heard by the Board, negative attitude of some trustees toward the educational system and a willingness to pre-judge, his unwillingness to sign documents, his earlier mention of resignation, his involving of the other superintendents in the documents and so on. The main themes were the lack of proper process, a breakdown of trust and consequent personal hurt, stress and sagging morale at the senior level of the Unit.

Following the statement, there was a great deal of question-and-response interchange. Members of the Board indicated that the criticisms were important, but were put as constructive requests for improvements rather than as a signal of collapsed confidence. Dr. Garland emphasized that he could not accept the sort of unfair adversarial process that had been used, and that the mention of resignation was not a token threat, since the Board's unwillingness to have meaningful discussion did not allow for a proper working relationship.

The Superintendent left and the meeting continued with trustees alone.

Members again discussed whether there had been a fair presentation of criticisms and opportunity for discussion, and also whether there was indication of Dr. Garland's realizing that the Board was concerned to have him improve aspects of his performance.

Options were laid out, ranging from proceeding with the entry, through a sort of 'moratorium', to revocation of the original decision to make entries. Pros and cons were discussed.

It was moved by Anna Duffy, seconded by Harvey MacLeod, that the July 7th decision to make entries into the file be revoked, and the process started over to discuss the Board's concerns with Dr. Garland. Motion defeated, with a count of 5 ayes and 8 nays.

It was moved by Rob Thomson, seconded by Harvey MacLeod, that the Executive be authorized to proceed with placement of the four entries in accordance with the July 7th motion, but conveying to Dr. Garland the Board's appreciation of his criticism concerning the apparent abruptness of the process, and also the Board's desire that the items be thoroughly discussed and interpreted to him. Motion carried, with a count of 11 ayes and 2 nays.

The meeting was adjourned.

SUPERINTENDENT OF EDUCATION

Barbara MacNutt
CHAIRMAN

REGIONAL SCHOOL UNIT 3

MINUTES

MEETING #259.1

10 September 1986

A Special In-camera Meeting of the Board was convened at the Unit 3 office on Wednesday, 10 September, 1986, at 9:15 following a Conference Session on Goals for 1986-87.

PRESENT:	Barbara Macnutt	Wanda Wood
	Ross Lewis	Ethan Garrett
	Anna Duffy	Wendell Mayne
	Bob Wilson	Miriam Lank
	Steven Driscoll	Reid Sangster
	Garth MacPhee	Rob Thomson
	Fred Quinn	

ABSENT: Harvey MacLeod

The Chairman reported that the Superintendent of Education had submitted his resignation, dated 9 September and effective 31 December, 1986.

It had not yet been possible to discuss this with Dr. Garland. However, it was understood that the Board would seek with Dr. Garland to plan for a joint announcement and smooth transition avoiding drama -- so as not to provoke anxieties that might harm operations of the Unit. Reasons would not be discussed: it had been Dr. Garland's own decision, for his own reasons.

There was some questioning about the formalities of officially receiving a resignation. Reference was made to the August 25th motion authorizing acceptance and emergency appointment, but it was seen that this was not an emergent situation. In fact, appreciation should be expressed to Dr. Garland for his concern for the good of the Unit implied in the 3 1/2-month notice. It was moved by Ethan Garrett, seconded by Wendell Mayne, that the Board accept or at least formally recognize Dr. Garland's September 9th resignation. Carried.

The Chairman also reported briefly that the Executive had met September 4th with the superintendents who had asked to express their concerns about the process used for dealing with Dr. Garland and about Board operations in general. There had, though, been an undertaking not to relay actual content of the meeting; the superintendents had indicated they might later wish to address the full Board directly. Trustees showed willingness to have this sort of presentation, and to work cooperatively with the senior staff through this difficult time.

Gerry Hopkirk and Brian McMillan entered the meeting for a few moments to state (without discussion) that the superintendents had major concerns about the resignation and the process leading up to it.

After their departure there was consideration of granting special leave to Dr. Garland in view of the strain he was under, with a conclusion that this could be handled via sick leave if necessary. Meeting adjourned.

SUPERINTENDENT OF EDUCATION

Barbara Macnutt
CHAIRMAN

REGIONAL SCHOOL UNIT 3

MINUTES

TWO HUNDRED AND SIXTIETH MEETING - CONTINUATION

17 September 1986

The meeting continued in-camera following adjournment of the public and regular in-camera segments, with only trustees and the Superintendent present.

Dr. Garland advised the Board about a number of topics. The Department's help should be sought for recruitment. Approximately 35 days of leave were owed. He would not resort to court action nor discuss things with the media. However, on legal advice he had issued a statement to counter the Chairman's quoted explanation of "personal reasons" for the resignation.

The Chairman, with confirmation from Wanda Wood who had overheard the exchange, explained that "personal reasons" had been the reporter's interpretation of her statement that it would have to be Dr. Garland personally, not the Board, who would be able to explain his own reasons.

The Chairman asked for Dr. Garland's reaction to the principals' call for an attempt at reconciliation. Dr. Garland replied that his feelings should be well known, from previous statements to Executive and Board; the resignation was not a ploy for negotiation.

Harvey MacLeod asked the Superintendent to explain just what were the "substantial matters of principle" that the resignation referred to. Dr. Garland said that it was the end of a long day and he did not have his notes, suggesting he could respond to Mr. MacLeod some other time.

Dr. Garland left and discussion continued among trustees. There was more consideration of whether policy and fair procedure had been followed with respect to the file entries.

The Chairman reported that, following the Superintendent's mention of his legal advice, the Board's solicitor had been brought into the picture. The advice was emphatic that the confidential nature of an employer-employee relationship should not be jeopardized: the Board must not be drawn into publicly discussing events and opinions connected with a personnel problem. Trustees now endorsed this guiding principle. It was also observed that -- difficult though it was to be unable to explain things -- the fact that the Superintendent chose to resign suggests that the Board is not obliged to justify its actions as if this were a dismissal.

The conclusions were:

- Gestures toward reconciliation did not realistically appear productive
- Legal counsel should now be continually involved
- There should be strong attempts to have Chairman and Superintendent make a joint statement aimed at cutting off destructive rumour and encouraging as positive a transition as possible
- The Board should recognize the legitimate concerns of Unit staff and public, and be willing to receive expressions of them in a non-defensive way; it has to be made clear, however, that there cannot be explanation of reasons and events that are private because of personnel principles.

Changing topics, the Chairman distributed copies of the summary report of a ministerial advisory committee for Family Life Education, cautioning that the Minister requested confidentiality.

Finally, there was discussion of how to arrange for a transition-and-recruitment process to put a new Superintendent in place. A committee was established to develop a plan for

this process, to be presented for Board adoption. Bob Wilson was chosen to chair a group of Reid Sangster, Wanda Wood, and Harvey MacLeod, with Barbara Macnutt ex officio. It was understood that they would consult widely to get a good range of advice.

The meeting adjourned.

SUPERINTENDENT OF EDUCATION

CHAIRMAN

APPENDIX "B"

PHILOSOPHY OF EDUCATION

UNIT 3 SCHOOL BOARD

Statement With Reference to
Regulation AD-R in Policy Handbook

APRIL, 1987

PHILOSOPHY OF EDUCATION

Whole Child — The statement of guidelines on philosophy that was adopted on February 18, 1981, still represents the guiding beliefs of Regional Administrative School Unit 3. The Board remains committed to providing quality educational services designed to allow for the development of each individual's aptitudes and abilities. To this end the Board subscribes to the total child approach.

Personnel — The Board recognizes "that its personnel make up the most important part of the system for providing quality education" (1)and is committed to the objectives as set down in Part I of the Statement of Philosophy. Objective 5 is particularly significant when it states that "the Board shall encourage employee involvement in the decision making process and shall provide a mechanism for open and continual communication between itself and all employees." (2)

While making provision for employee participation in decision making, the Board is

(1) "Statement of Philosophy: p.1 — 2
(2) "Statement of Philosophy: p.2

aware that the nature of involvement will vary depending upon the kinds of decisions being made. For example, some decisions might be made entirely by staff, e.g., selection of instructional personnel. With certain other decisions, the Board, although seeking advice, would reserve the right to make the final decision, e.g., selection of a Superintendent.

Support Services and Curriculum — The buildings and other physical facilities together with the curriculum are viewed as the means by which the personnel carry out their mandate. To ensure that the curriculum is meaningful, employees are given the opportunity to have input into its content, organization and evaluation. Furthermore, "the Board intends that the curriculum content for each student shall begin with the accomplishment of fundamental and essential skills; that the scope of course offerings shall expand as the capacity and range of interests and needs of students expand; that the evaluation of curriculum shall be a continuous process." (3)

Public Involvement — With respect to public involvement, the

(3) "Statement of Philosophy" p.p.3-4

Board continues to recognize "the public's rights and responsibilities in education, encourages public involvement and participation in the decision making process and in constructive feedback relative to these decisions." (4) In this context, the Board recognizes "the need for input from the family and other community institutions in its establishment of priorities leading towards the goals" (5) of the Unit. To this end, it is appropriate for the Board, in consultation with parent groups and others in the community, to review the goals and objectives from time to time. The dynamic nature of the educational process further underscores the need for such a periodic review.

Human Organization Because the school system is a human organization, the manner in which it operates will be determined in part by the personalities and leadership mode of the senior administrators and School Board. Even if the Unit's goals and objectives were to remain relatively static, the way by which these objectives are to be achieved will vary depending upon the management style of the

(4) "Statement of Philosophy" p. 5
(5) "Statement of Philosophy" p.1

Superintendent and the composition of the School Board.

However, strong or rapid change is unlikely. In fact, policies, e.g. the statement of Philosophy help ensure continuity.

Policy Making/Administration The central function of the School Board is that of policy maker. The Superintendent is held responsible for running the schools in accordance with those policies. The Board delegates to the Superintendent appropriate authority needed to administer the system. The specifics of the Superintendent's role are set down in Policy GCAA, "Role Description: Superintendent of Education". As chief executive officer, the Superintendent not only implements Board policies but recommends to the Board areas for additional policy development or revision. In addition, he/she advises the Board on the requirements of the various Acts, Regulations and Laws which relate to the operation of the Unit; acts on behalf of the Board in the execution of contracts and the fulfillment of legal requirements; serves in a liaison capacity with other educational agencies; and

supervises the work of the other employees of the Board. But, in the final analysis, it is the School Board that is accountable to the public and must make a determination as to how effectively the system is being managed under the administration of the Superintendent of Education.

APPENDIX "C"

DRAFT - April 24, 1987

SCHOOL BOARD POSITION REGARDING

THE CLARK AD HOC COMMITTEE REPORT RECOMMENDATIONS

1. The Clark Ad Hoc Committee Report is dated February 18, 1987. The Report was released to the School Board on February 18, 1987.

2. The School Board has actively considered and responded to the Report recommendations. The Board has given the recommendations its immediate attention and has spent a substantial amount of time and effort in a very short period of time in order to develop its response, and where applicable, to commence implementation of the Report recommendations. The position of the Board with regard to the Report recommendations is set out in the Minutes of the Board Meeting held March 18, 1987. The following is an abridged extract of the Minutes:

> ...following a joint meeting of the School Board and the Ad Hoc Committee held February 25, the Executive and Superintendent developed a draft statement of responses to the recommendations in the Report. The draft was distributed to trustees for input, and a revised statement of responses was prepared for distribution at this meeting.
>
> ...Recommendation 1 regarding an ombudsman... [resolved] that the Board adopt the plan of first asking Reverend Gary Clark for any further interpretation regarding the purpose of an ombudsman, and secondly, request the Minister of Education to provide opinion and advice on the possible use, funding and advantage of an ombudsman...It was suggested that facilitator may be a better word to use than ombudsman.
>
> ...Recommendation 2 about the hiring policy for senior staff...[resolved] that the Board adopt the recommendation of asking the Personnel Committee to investigate this in detail and get the information for the Board regarding comparable employment practices elsewhere in P.E.I. and Canada.

...Recommendation 3 dealt with orientation for trustees. ...noted that both the Unit and the S.T.A. have sponsored orientation seminars and workshops for trustees, and hope to continue and improve the sessions. ...[resolved] that the Board adopt agreement with the recommendation. ...[resolved] [and] that the motion be amended to read, "That the Board adopt agreement with the recommendation and particular attention should be paid to familiarize an incoming trustee who is not elected at the regular elections". It was suggested that the S.T.A. be asked to establish a standing committee to handle the orientation of trustees in the province.

[Recommendation 4] Development of a code of ethics. ...[noted] that trustees are governed by the P.E.I.S.T.A. code of ethics. ...[resolved] that the Board re-familiarize ourselves with the code of ethics by holding a Conference Session or part of a Conference Session and urge the S.T.A. to include the code as part of the orientation for all trustees. ...noted that the recommendation also called for the establishment of procedures for individuals to lodge complaints. ...and that the S.T.A. be asked to include in the code of ethics a final paragraph dealing with procedure to lodge complaints.

Recommendation 5 pertains to the evaluation of superintendents. ...[resolved] that the Personnel Committee re-examine Policy GCNA to compare it with the recommended ideas, as well as research any literature or policy from other places that might be available or provided to us.

Recommendation 6 relates to level of Board office staffing of board office staff. ...noted that the Board understands and appreciates the extra work of staff and each year, the Board campaigns for additional staff. ...[resolved] that the Board support the Minister of Education in conducting the analysis of needs in all units and department.

Recommendation 7 expressed concern regarding information on board functions and activities. ...the Board agrees with the recommendation and will continue to strive [to inform] everyone of what is going on via the Department, S.T.A., Home and School and in every way. The Board would especially like to emphasize what is going on at school level. ...[resolved] that the Board agree with the Ad Hoc Committee Recommendation 7 and continue to strive to use every method we can, and that we especially want

to see public awareness of what is going on at the school level and we plan to employ a person for a week or two to design a public information strategy for the Board very soon, and that we plan on pursuing re-establishment of the Communications Committee in the fall.

Recommendation 8 dealt with the committee recommendations defeated by the Board. ...noted the fact that a committee is accountable to and advisory to the full decision-making Board. ...[resolved] that the Board agree that Recommendation 8 makes good sense and that the Board adopt this as a guideline for our operation, ...when possible, practical and feasible.

[Recommendation 9] Procedures for parental concern. ...recognized that a major role of a trustee is as facilitator agent to guide a parent to where a concern can best be resolved. Of course there are always special cases but it is important to have a common understanding of how concerns of various sorts can be handled. ...[resolved] that the Board adopt Recommendation 9 and that a part of the action be that the Personnel Committee develop a survey of staff and parents regarding processes and relating concerns.

Recommendation 10 related to recognition of Dr. Garland and Dr. Hopkirk. ...noted that Dr. Garland and Dr. Hopkirk left the Unit during a time of stress and the Board neglected to recognize the contributions the two men made to the Unit. ..[resolved] that the Board, by vote, publicly acknowledge that contribution and authorize that a letter be written to each of the men to state this recognition of their contribution.

Recommendation 11, the Committee identified the trend that trustees require information to become more accountable. ...[resolved] that the Board is pleased that the Committee identified this as a trend, and that it is important that everyone understand how essential it is for the Board to based decisions on not just full information but also structured presentation of it with good critical analysis from staff and committee...

Recommendation 12 provided the suggestions that a meeting of the Board and the Ad Hoc Committee be held to interpret the Report. ...reported that a meeting of the two groups had been held February 25. ...[resolved] that it has become apparent that the discussion raised some regrettable tensions and that

> the Board in a formal way recognize that as well as some good things, there were some negatives and that the Board express that it is sorry to have given the Committee offense in our tone, and frankly, for having expressed our disappointments in the report in the form of a news release, and that the Board emphasize that its main message February 25, and now, is that the Board commit itself to taking concrete, constructive action on as many of the recommendations as possible... [Emphasis Added.]
>
> Recommendation 13, the Committee suggests that the Board approach the Minister of Education to consider the merits of an appointed Board. ...[resolved] "We oppose this recommendation by The Ad Hoc Committee, and that the Board assert that we strongly believe, as does every party whose opinion we are aware of, that less publicly accountable appointed boards would be retrogressive and undemocratic, and that we express that we are glad that we and the committee share the worry about often low levels of public awareness and interest and that we have already discussed with the Minister, with Department and S.T.A., and Home and School, and intend to do over very best toward consistent improvement, and welcome any concrete suggestions that anyone may have about raising popular attention to elected boards, and that we quires the S.T.A. to suggest to the Minister of Education that voting time be increased from 9 a.m. to 9 p.m., and that at least two polls be established in large geographic zones".

3. The Board considers that it has developed a formal plan of action and implementation where applicable of the Report recommendations. The Board considers that it has proceeded with expedition, especially under the exceptionally adverse circumstances under which it has operated during the two month period since the Report was released, i.e., short staffed at superintendent level; spring is normally busiest time of year; existence of controversial, timeconsuming, extraordinary issues, including Minister's requests for resignations, Inquiry and priority item of superintendent hiring process.

4. The Board is actively and constructively continuing its endeavours of dealing with the Report recommendations.

5. See attached an excerpt from the Guardian newspaper following March 18, 1987, Board meeting.

School board still desires to act on recommendations

By NIGEL ARMSTRONG

The Unit 3 school board has restated its desire to act on all recommendations made by the Clark committee report investigating practices and problems in the school unit.

During a school board meeting Wednesday night, the board indicated it will begin by redressing what was termed 'an oversight' arising from the resignation of Dr. Parnell Garland and Dr. Gerald Hopkirk last year.

"We recomend. . .a letter be written to each. . .to recognize (their) contribution," trustee Rob Thomson said while presenting the executive committee report on the Clarke ad hoc committee recomendations. "In all the dust and furry we failed to recognize they contributed very significantly to the unit."

His motion was given unanimous approval by the board meeting at the school board office.

No mention was made during the meeting of the impending public inquiry ordered into the unit by Education Minister Betty Jean Brown, which will be conducted by Justice Kenneth R. MacDonald of the P.E.I. Supreme Court.

TAKES PLACE

In addressing recommendation number 12 of the Clark report, which called for a meeting between the board and the ad hoc committee, Mr. Thomson noted this had already taken place Feb. 25th. He referred to a news release issued by the board following that meeting which affirmed the board's desire to act on the recommendations, but also took exception to some parts of the report.

"The board is sorry to have given the committee some offence in the tone (of its statements)," said Mr. Thomson.

Trustee Fred Quinn explained that in his opinion, the meeting was very positive but the mood changed when board members learned for the first time that Dr. Garland saw parts of the report before it was made public. He said this was the principle concern of the board.

The board disagreed with the final recommendation of the Clarke report which suggested the merits of an appointed board of trustees be considered in consultation with the minister of education.

"We strongly believe ... that less publicly accountable appointed boards would be retrogressive and undemocratic," said Mr. Thomson.

Also arising from this last recomendation of the Clark report, the Unit 3 board agreed that polls in trustee elections should remain open from 9 a.m. to 9 p.m. and more than one poll be established in large zones. The board agreed to approach the School Trustees Association to request they lobby for those changes. These actions arise from the Clark report recommendation that efforts be made to increase public participation in school board elections.

The first suggestion of the report recommends the establishment of an ombudsman for the unit to act as a watchdog for any and all abuses.

During Wednesday's meeting the board passed a resolution to seek a clarification from Rev. Gary Clark on what he considered to be the role and purpose of the ombudsman.

The second item on the Clark list deals with a clarification of the practices involved in hiring senior staff.

"The personnel committee (of the board) was asked to investigate the wisdom of such a recommendation," explained Mr. Thomson. "I am asking the personnel committee to investigate this in detail and get the information for us."

WILL ASSIST

The School Trustees Association will be asked by the board to assist in orienting new trustees so they become familiar with their responsibilities. A special emphasis will be placed on trustees elected outside the regular election periods. The education of trustees formed the third point in Rev. Clarks report.

"The fourth recommendation (deals with) the development of a code of ethics — indeed, a code already exists for P.E.I." said Mr. Thomson.

The board agreed to ask the School Trustees Association to hold re-orientation sessions on the code and to include a provision for failure to comply with the code.

The board endorsed the policy of creating an improved method of evaluation of the superintendent and noted their policy of evaluation had limited use to date.

On recommendation number six, Mr. Thompson suggested the board endorse the efforts of the minister of education in the initiation of 'analysis of needs' study for the unit.

"The ad hoc committee's conclusion is that, basically, we are understaffed," said Mr. Thompson. "We fully agree."

DISCUSS MERITS

The board discussed at length the merits of hiring a part-time summer employee to develop a public relations stratagy to follow the recomendation that the public image of the board be improved. It was agreed to establish this position and to re-establish the communications committee of the board.

"We agree with the ad hoc committee and will strive to improve communication," said Mr. Thomson, noting that emphasis should be placed on informing the public about the many new and exciting programs occurring in the schools.

The Clark report recommended that committees often defeat initiative without explanation. The board agreed to adopt the recommendation that an explanation be provided for any defeated motion or suggestion and when practical, the motion be sent back to a committee for reworking.

The board noted the suggestion in the Clarke report that parent concerns should be heard, with Mr. Thomson stressing this was one of the basic roles of the trustee. The board passed a motion to have the personnel committee develop a survey of staff and parent relationships.

The board also agreed to ask its staff to undertake a critical analysis of certain issues so trustees will have better background information when making their decisions.

COMMISSION OF INQUIRY
ON
REGIONAL ADMINISTRATIVE UNIT NO. 3

We acknowledge that we have read the annexed Report made to Mr. Justice Kenneth R. MacDonald and we accept the report as a summary of the events leading to the Inquiry.

We further agree that it is not necessary for Mr. Justice Kenneth R. MacDonald to make any further inquiry in this matter. We consent to Mr. Justice MacDonald submitting the report to the Lieutenant Governor-in-Council and we consent to Mr. Justice MacDonald requesting the cancellation of the Inquiry.

DATED this 13 day of May, A.D. 1987.

Barbara MacNutt - Chairman

Ron Lewis Vice Chairman
for Regional Administrative
Unit No. 3

for P.E.I. Teachers Federation

for Parnell Garland

for Minister of Education

Brian McMillan

Eric Ellsworth

[re-drafted May 13/87]

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DATED this 14 day of May, A.D. 1987.

for Regional Administrative
Unit No. 3

James Rose
for P.E.I. Teachers Federation

Parnell Garland
for Parnell Garland

for Minister of Education

Brian McMillan
Brian McMillan

Eric Ellsworth
Eric Ellsworth

[re-drafted May 13/87]

MINISTER OF EDUCATION

Province of Prince Edward Island

P.O. Box 2000, Charlottetown, Prince Edward Island, C1A 7N8

I acknowledge that I have read the annexed Report made to Mr. Justice Kenneth R. MacDonald, and agree that it essentially sets forth the circumstances which led to the erosion of effective relationships among the parties in the education process in Regional Administrative Unit No. 3.

I am aware that the Report recommends to Mr. Justice MacDonald that he request the Lieutenant-Governor-in-Council to consider cancelling the Inquiry.

B J Brown

Betty Jean Brown
Minister of Education

May 14, 1987

TERMINATION OF THE INQUIRY

On May 21, 1987, the Lieutenant Governor-in-Council received and noted the Report of the Commission and the Inquiry was terminated.